



7020-02

## INTERNATIONAL TRADE COMMISSION

### Certain Devices Containing Non-Volatile Memory and Products Containing the Same

#### Investigation No. 337-TA-922

#### Commission's Determination Not to Review an Initial Determination Granting Complainants' Motion to Amend the Complaint and Notice of Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 9) granting Complainants' motion to amend the Complaint and Notice of Investigation.

**FOR FURTHER INFORMATION CONTACT:** Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2737. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on

August 4, 2014, based on a complaint filed on behalf of Macronix International Co., Ltd. of Taiwan and Macronix America, Inc., of Milpitas, California (collectively “Complainants”). 79 *Fed. Reg.* 45221 (Aug. 4, 2014). The complaint alleged violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the sale for importation, importation, or sale within the United States after importation of certain devices containing non-volatile memory and products containing the same by reason of infringement of certain claims of U.S. Patent No. 5,998,826 (“the ’826 patent”); U.S. Patent No. 6,031,757; U.S. Patent No. 8,341,324; and U.S. Patent No. 8,341,330. The notice of investigation named Spansion Inc. of Sunnyvale, California; Spansion LLC of Sunnyvale, California; Spansion (Thailand) Ltd. of Nonthaburi, Thailand; Aerohive Networks, Inc. of Sunnyvale, California; Ciena Corporation of Hanover, Maryland; Delphi Automotive PLC of Kent, United Kingdom; Delphi Automotive Systems, LLC of Troy, Michigan; Polycom, Inc. of San Jose, California; Ruckus Wireless, Inc. of Sunnyvale, California; ShoreTel Inc. of Sunnyvale, California; Tellabs, Inc. of Naperville, Illinois; Tellabs North America, Inc. of Naperville, Illinois; TiVo Inc. of San Jose, California; and Allied Telesis, Inc. of Bothell, Washington as respondents. The Office of Unfair Import Investigations (“OUII”) was also named as a party to the investigation.

On September 5, 2014, Complainants filed a motion to amend the Complaint and Notice of Investigation to add allegations of infringement for claims 6 and 14 of the ’826 patent. On September 17, 2014, OUII filed a response in support of the motion and Respondents filed a response opposing the motion.

On October 3, 2014, the ALJ granted Complainants’ motion. The ALJ found that good cause exists to amend the Complaint. He further found that Respondents failed to argue that they would suffer any prejudice. No petitions for review were filed.

The Commission has determined not to review the subject ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 C.F.R. Part 210).

By order of the Commission.

Issued: October 20, 2014

Lisa R. Barton  
Secretary to the Commission

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